

**REMARKS/ARGUMENTS**

Claims 1-10 appeared in the amended filing; of these, claims 1-10 are currently amended.

Applicant wishes to thank the Examiner for pointing out deficiencies in the wording of the claims. Several changes have been made to address the Examiner's concerns.

Claims 1-10 had been rejected under 35 USC #101 as lacking a computer-readable medium to realize the potential functionality of the invention. To correct this fault, independent claims 1, 5, 9, and 10 are currently amended to state in the preamble that the invention operates in a computer system having a keyboard with a CAPS LOCK key, a mouse, a display screen, and a mouse pointer displayable on said display screen. The term "computer software element" has been simplified to "computer software" in these claims. Applicant believes that these corrections should satisfy the Examiner's objections under 35 USC #101.

Claims 1-8 have been rejected by the Examiner under 35 USC 112, claims 1-8 as being indefinite, and 1 and 5 as being confusing. To satisfy these objections, independent claims 1 and 5 are currently amended to move the phrase of subparagraph (a) into the preamble, so that the remaining sub-paragraphs [now (a) and (b), previously (b) and (c)] clearly identify the specific subject matter of this invention. In conjunction with identifying the physical devices of a mouse and a display screen in the preamble, as described above under 35 USC #101, the ambiguity and imprecision of the previous wording has been resolved, and applicant believes that claims 1-8 now satisfactorily meet the requirements of 35 USC #112.

Lastly, the Examiner has rejected claims 1, 5, 9, and 10 on prior art under 35 USC #103, citing Bowie in view of Avila and Ogura. Bowie describes an invention in which the CAPS LOCK key enters the computer into a CAPS LOCK mode, and thereupon, an audible action

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takes place. Applicant takes the reference to Bowie as identifying a specific instance in which the CAPS LOCK mode is used in an invention, although certainly the utility of the CAPS LOCK mode predates Bowie by several decades.

Similarly, the Examiner cites Avila as a specific instance of the general case of a computer system in which a mouse device moves a mouse pointer on a display screen, although, as in the case of Bowie, actual usage predates Avila by several decades.

Finally, the Examiner cites Ogura as a case in which a locking mode changes the visual appearance of the mouse pointer. In particular, Ogura describes a procedure for tapping a touch pad to enter a "drag lock mode", and upon entering the drag lock mode the cursor changes from a standard arrow to an image that uniquely identifies the drag lock mode, such as a closed fist. Applicant would like to point out, however, that this is but one of many such "lock modes" relating to the mouse pointer in use in modern computers. For example, in Microsoft Word you can enter the drawing mode by clicking on the Drawing menu item or icon. Once in Drawing Mode, you can click on any of a number of drawing symbols, such as the Line, Arrow, Box, or Oval. Clicking on any of those symbols causes the system to enter a locking mode in which the cursor changes to a cross-hair. It stays a cross-hair until either an object is drawn or the lock mode is released. As another example, in most drawing programs, clicking on the Fill icon causes the system to enter the Fill Lock Mode, and changes the cursor into a symbol of pouring paint from a paint can.

Applicant could identify many other examples in which such Lock Modes are associated with a unique cursor appearance, however, the fact that the Drawing Lock Mode of Microsoft Word predates Ogura by many years, and that Ogura was granted a patent, should be adequate argument to offset the Examiner's objection that combining a Lock Mode with a distinctive

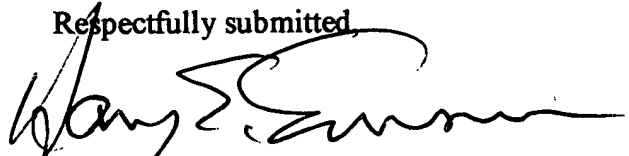
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mouse pointer is obvious. To be more precise, Avila had issued long before Ogura and could have been cited against Ogura, along with the pre-existing art of Drawing Lock Modes. Nevertheless, the fact that the Examiner allowed Ogura states, in effect, that the prior existence of these other arts does not render Ogura's invention obvious.

In evaluating the obviousness of the current invention, one needs to consider that the current invention is useful, valuable, and simple to implement (the applicant, with only hobbyist programming skills, was able to write an application demonstrating the features of this invention in only a few hours). The environment in which this invention operates has been in existence since the mid-seventies when the first Graphical User Interface (including mouse, keyboard, and graphical display screen) was created at Xerox's Palo Alto Research Center (PARC). The fact that the current invention is useful, valuable, and simple to implement, and yet hasn't been disclosed by anyone other than the applicant in forty years, is testimony to the fact that the current invention is not obvious.

Accordingly, and in consideration of the adjustments to the claims as now currently amended, applicant believes that the present application is in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harry E. Emerson", written over the typed name.

Harry E. Emerson  
973-252-0350